

10-18-04

IFW DAE

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
SJ-0014

In Re Application Of: Sorrentino et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/584,586	May 31, 2000	Anne Marie Falk	26259	1632	

Invention: Relationship of ABC Transport Proteins with Hematopoietic Stem Cells and Methods of Use Thereof



Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Transmittal Letter to Official Draftsman enclosing Figures 10B, 10C, 16A, 16B, 16C and 16D.

2. ☒ The issue fee:

☐ is enclosed. ☒ was paid on February 11, 2004

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

10/19/2004 HALI11 00000003 501619 09584586
01 FC:2453 685.00 DA

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$685.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____
- Total fees enclosed: \$685.00

The fee of \$685 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1619
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
SJ-0014

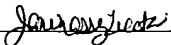
In Re Application Of: **Sorrentino et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/584,586	May 31, 2000	Anne Marie Falk	26259	1632	

Invention: **Relationship of ABC Transport Proteins with Hematopoietic Stem Cells and Methods of Use Thereof**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

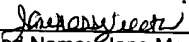
**Jane Massey Licata, Reg. No. 32,257
Kathleen A. Tyrrell, Reg. No. 38,350
Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053
Telephone: (856) 810-1515
Facsimile: (856) 810-1454**

Dated: **October 15, 2004**

"Express Mail" Label No. **EV505928192US**
Date of Deposit **October 15, 2004**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents Post Office Box 1450, BOX PETITIONS, Alexandria, VA 22313-1450

CC:

By 
Typed Name: **Jane Massey Licata, Reg. No. 32,257**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: SJ-0014

Inventors: Sorrentino et al.

Serial No.: 09/584,586

Filing Date: May 31, 2000

Examiner: Anne Marie Falk

Group Art Unit: 1632

Title: Relationship of ABC Transport Proteins
with Hematopoietic Stem Cells and
Methods of Use Thereof

"Express Mail" Label No. EV505928192US
Date of Deposit - October 15, 2004

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the United States Postal Service "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on the date
indicated above and is addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Reply to Notice of Abandonment Under 37 CFR 1.113

This is a reply to the Notice of Abandonment mailed
September 30, 2004, a copy of which is provided herewith.

This application was abandoned for failure to respond to the
Notice Regarding Drawings dated April 5, 2004, a response to
which was due June 5, 2004.

Attorney Docket No.: SJ-0014
Inventors: Sorrentino et al.
Serial No.: 09/584,586
Filing Date: May 31, 2000
Page 2

The Notice of Allowance mailed December 19, 2003 indicated that the drawings filed on May 31, 2000 were accepted by the Examiner (see Box 3 and Statement on Paper No. 1203). Accordingly, the Issue Fee was timely paid on March 19, 2004.

A Notice Regarding Drawings requiring corrected drawings was mailed April 5, 2004. A response to this Notice was filed May 17, 2004.

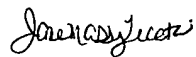
On August 6, 2004, a Notice of Drawing Inconsistency with Specification was mailed with respect to Figure 4. A Response to this Notice was filed August 16, 2004, providing another copy of Figure 4 as required by the Notice.

A Notice of Abandonment was mailed September 30, 2004 indicating that the PTO "need new 10B, 10C, 16A, 16B, 16C and 16D. Applicants are providing another set of the requested drawings as it appears they may have been lost by the PTO.

Attorney Docket No.: SJ-0014
Inventors: Sorrentino et al.
Serial No.: 09/584,586
Filing Date: May 31, 2000
Page 3

Withdrawal of this Notice of Abandonment and reinstatement
of this patent application is therefore respectfully requested.

Respectfully submitted,

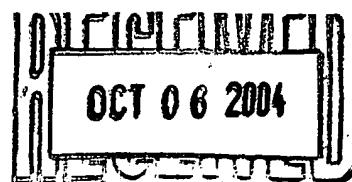
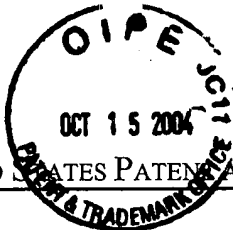


Jane Massey Licata
Registration No. 32,257

Date: October 15, 2004

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,586	05/31/2000	Brian Sorrentino	1340-1-021CIP <i>Ag-14</i>	4632
31949	7590	09/30/2004	EXAMINER	
LICATA & TYRRELL P.C.				
66 E. MAIN STREET				
MARLTON, NJ 08053				
			ART UNIT	PAPER NUMBER
			1632	

FALK, ANNE MARIE

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09 584 586



EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:



Applicant's failure to timely file a proper reply to the Office letter mailed on

4-5-4



A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.



A proposed reply was received on 5-17-4, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. Need new 10B, 10C, 16A, 16B, 16C, 16D
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).



A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).



No reply has been received.



Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).



The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).



The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.



The issue fee and publication fee, if applicable, have not been received.



Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).



Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.



No corrected drawings have been received.



The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.



The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.



The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.



The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment